

GIBSON, DUNN & CRUTCHER LLP  
Orin Snyder (*pro hac vice*)  
osnyder@gibsondunn.com  
200 Park Avenue  
New York, NY 10166-0193  
Telephone: 212.351.4000  
Facsimile: 212.351.4035

Kristin A. Linsley (SBN 154148)  
klinsley@gibsondunn.com  
Martie Kutscher (SBN 302650)  
mkutscherclark@gibsondunn.com  
555 Mission Street, Suite 3000  
San Francisco, CA 94105-0921  
Telephone: 415.393.8200  
Facsimile: 415.393.8306

*Attorneys for Defendant Facebook, Inc.*

GIBSON, DUNN & CRUTCHER LLP  
Deborah Stein (SBN 224570)  
dstein@gibsondunn.com  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Telephone: 213.229.7000  
Facsimile: 213.229.7520

Joshua S. Lipshutz (SBN 242557)  
jlipshutz@gibsondunn.com  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Telephone: 202.955.8500  
Facsimile: 202.467.0539

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**DECLARATION OF THANG NGUYEN IN  
SUPPORT OF DEFENDANT FACEBOOK,  
INC.'S MOTION TO DISMISS  
PLAINTIFFS NAOMI BUTLER AND  
PETER CHRISTLEY AND MOTION TO  
STRIKE FROM SACC CLAIMS THAT  
HAVE BEEN DISMISSED WITH  
PREJUDICE**

Judge: Hon. Vince Chhabria  
Courtroom 4, 17th Floor  
Hearing Date: November 5, 2020  
Hearing Time: 10:00 a.m.

I, Thang Nguyen, declare as follows:

1. I am a data scientist at Facebook, Inc., a party in the above-captioned action. I work at Facebook, Inc.'s headquarters in Menlo Park, California. I offer this declaration in support of Facebook, Inc.'s Motion to Dismiss the Claims of Plaintiffs Naomi Butler and Peter Christley. I have personal knowledge of the facts set forth in this declaration (unless otherwise noted), and, if called to testify, I could and would competently testify to them.

2. It is my understanding that the Facebook platform and services are provided to users in Europe, including in the United Kingdom, by Facebook Ireland Limited ("Facebook Ireland"). I understand that, in 2018, Facebook Ireland launched a "GDPR user engagement flow," which (among other things) introduced new Terms of Service (the "2018 Terms") to users in Europe (including the U.K.) and asked users to accept the 2018 Terms. I understand that the GDPR user engagement flow included a screen that asked the user to accept the 2018 Terms by tapping a button at the bottom of the screen that said "I ACCEPT."


3. Facebook, Inc. and Facebook Ireland maintain records of European users' completion of the GDPR user engagement flow, including the request that the user accept the 2018 Terms. As part of my responsibilities for Facebook, Inc., I know how to access and understand those records.

4. I understand that Naomi Butler and Peter Christley are plaintiffs in this case and live in the United Kingdom. Michael Duffey, an eDiscovery and Litigation Case Manager in the Legal Department of Facebook, Inc., provided me with email addresses associated with Naomi Butler's and Peter Christley's Facebook accounts. I used the email addresses to identify their Facebook IDs. Using those Facebook IDs, I retrieved and reviewed Facebook's records of their completion of the GDPR user engagement flow, including their responses to the request that they accept the 2018 Terms.

5. Facebook's records reflect that Peter Christley accepted the 2018 Terms on April 20, 2018.

6. Facebook's records reflect that Naomi Butler accepted the 2018 Terms on April 24, 2018.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct. Executed at Palo Alto, California, on the 21st day of August, 2020.

By:   
Thang Nguyen